

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/6/07
--

ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

MEMO ENDORSED

(212) 416-6173

November 5, 2007

Hon. Gerard E. Lynch
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Boutte v. Poole, 07-CV-08412 (GEL)

Your Honor:

SO ORDERED

Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.

11/6/07

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By Order dated September 27, 2007, Your Honor directed that respondent file a response to the petition along with the state court record by November 5, 2007. The Clerk's Office served that Order and a copy of the petition on my office in an envelope postmarked October 30, 2007. This matter was assigned to me on November 2, 2007. This letter is to request an extension of time until January 31, 2008 to respond to the petition.]*

I am seeking an extension for three reasons. First, because of the delay in getting served with the petition, my office is only ordering the state court record and pertinent transcripts today. Without these materials, I cannot adequately respond to the petition. Second, I have been designated to respond to eight other petitions that pre-date Mr. Boutte's petition. Four responses are due this month, and four are due in December. And, I have been designated to draft an appellee's brief in connection with an appeal pending in the United States Court of Appeals for the Second Circuit. Third, I am in the process of finalizing family vacation plans with my seven year-old son for the school winter break in late December through New Year's week.

Returned to chambers for scanning on 12/6/07
Scanned by chambers on _____
120 Broadway, New York, NY 10271 • Fax (212) 416-8010

MICROFILM

NOV - 9 2007 - 3:38 PM

Hon. Gerard E. Lynch

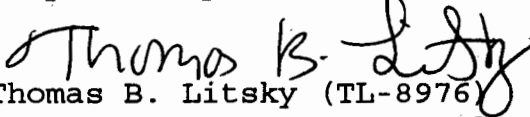
November 5, 2007

Page 2

For these reasons, I respectfully request an enlargement of time to file a response to the petition. I have spoken to Michael H. Sporn, Esq., counsel for petitioner, who consents to respondent's first request for an enlargement of time. Although respondent is requesting an enlargement to January 31, 2008 to file a response, if a response can be filed earlier, it will be.

Thank you for your consideration.

Respectfully submitted,


Thomas B. Litsky (TL-8976)
Assistant Attorney General
120 Broadway
New York, NY 10271

cc: Michael H. Sporn, Esq.
Law Office of Michael H. Sporn
299 Broadway, Suite 800
New York, NY 10007